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C O N F I D E N T I A L JAKARTA 001726

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DEPT FOR EAP/MTS, INL FOR BOULDIN
DOJ FOR AAG SWARTZ, OPDAT FOR LEHMANN/ALEXANDRE

E.O. 12958: DECL: 10/10/2016
TAGS: [PREL](#) [PGOV](#) [KJUS](#) [KCOR](#) [ID](#)
SUBJECT: NEW LAW MINISTER TO PUSH CRIMINAL CODE REFORM

REF: A. 06 JAKARTA 13603
[1](#)B. JAKARTA 1391
[1](#)C. JAKARTA 1298

Classified By: Political Officer Adam West for reasons 1.4(b) and (d).

[1](#)1. SUMMARY (C) In a June 20 meeting with the Charge, newly-appointed Minister of Law and Human Rights Andi Mattalatta expressed his commitment to revising Indonesia's Criminal Procedure Code prior to the 2009 elections, and gave his support to continued engagement with the USG on this and other issues. Mattalatta also indicated support for a controversial draft anti-corruption law which would eliminate the special Anti-corruption Court, replacing it with anti-corruption divisions within the general court system. He also expressed support for bringing military officers under the jurisdiction of the general courts for criminal offenses, but admitted there was no GOI consensus on that legislation. End Summary

Supporting Continued Engagement

[1](#)2. (C) CDA John Heffern raised a number of issues with newly-appointed Minister of Law and Human Rights Andi Mattalatta on June 20, including criminal procedure reform, changes in anti-corruption institutions and the jurisdiction of general courts over military officials. Overall Mattalatta was supportive of continued engagement with the USG, specifically mentioning drafting of legislation and corrections as areas for potential cooperation.

Criminal Procedure Reform

[1](#)3. (C) On reform of Indonesia's Criminal Procedure Code (KUHAP), Mattalatta expressed his support for completing and enacting a new code prior to the 2009 general election. He acknowledged USG support for the drafting team, and mentioned the need to broaden the rules of evidence to allow computer-based materials to be used in court, particularly for white-collar and other more sophisticated crimes. (Note: DOJ/OPDAT Resident Legal Advisor at post has given extensive technical assistance to the KUHAP drafting team - see ref C).

New Anti-Corruption Legislation

[1](#)4. (C) On anti-corruption, Mattalatta expressed support for a current draft law which would eliminate the special Anti-Corruption Court (ACC) and place all corruption cases under the aegis of the general courts. (ref B) The draft would also strip the Anti-Corruption Commission (KPK) of its

prosecutorial role, leaving all future prosecutions in the hands of the Attorney General's Office. CDA asked how this would impact the significant USG assistance programs currently supporting the ACC and KPK, and raised concerns about how these changes would be interpreted by foreign investors. Mattalatta replied that the changes were required by the December 2006 Constitutional Court decision (ref A), and suggested that aid to the ACC could be redirected to support the establishment of anti-corruption divisions within the general court system, as envisioned in the draft legislation.

Military Versus General Courts

15. (C) CDA asked whether the GOI supported legislation to make active members of the Indonesian armed forces (TNI) subject to the jurisdiction of the general courts. Mattalatta explained that under current law military officials are only subject to the jurisdiction of the military courts. (Note: While this is true, military court decisions can ultimately be appealed to the Supreme Court, which is part of the general court system.) However, Mattalatta stated that as a Member of Parliament he personally introduced a draft law that would bring military officials under the authority of the general courts for crimes covered under the general Criminal Code. Mattalatta added that Defense Minister Sudarsono opposes this change, and that President Yudhoyono has not yet taken a firm position on the issue.

HEFFERN